

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number _____

Meeting Type: Regular

Meeting Date: 8/23/2012

Action Requested By:
Legal

Agenda Item Type
Resolution

Subject Matter:

Invoking letter of credit.

Exact Wording for the Agenda:

Resolution authorizing the Clerk-Treasurer to invoke RBC Bank Letter of Credit No. SB004749 for Magnolia Park Phase 1 Subdivision.

Note: If amendment, please state title and number of the original

Item to be considered for: Action

Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what Council action will provide, allow and accomplish and; any other information that might be helpful.

Associated Cost:

Budgeted Item: Not applicable

MAYOR RECOMMENDS OR CONCURS: Yes

Department Head: 

Date: 8/20/2012

RESOLUTION NO. 12-_____

WHEREAS, RBC Bank issued a certain letter of credit (No. SB004749), a copy of which is attached hereto and incorporated herein by reference, including any amendments thereto, in favor of the City of Huntsville, Alabama pursuant to Article 5 of the Subdivision Regulations for the City of Huntsville, Alabama; and

WHEREAS, the letter of credit is due to be invoked and the proceeds used in accordance with said subdivision regulations.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, that the City of Huntsville Clerk-Treasurer be and is hereby authorized to present for payment to RBC Bank Letter of Credit No. SB004749, prior to the expiration date thereof, with the language as specified in said Letter of Credit.

ADOPTED this the 23rd day of August, 2012.

President of the City Council
of the City of Huntsville,
Alabama

APPROVED this the 23rd day of August, 2012.

Mayor of the City of
Huntsville, Alabama



RBC Bank™

August 17, 2011

International Services - Standby L/C Unit
200 Providence Rd., 3rd Floor
Charlotte, NC 28207
S.W.I.F.T.: CNTAUS33
Tel.: 704-686-1467 or 704-686-1194
Fax: 704-686-1498
Toll-free: 1-800-938-6299

Amendment to Irrevocable Standby Letter of Credit Number SB004749

Beneficiary:

City of Huntsville
PO Box 308
Huntsville, AL 35801

Applicant:

Huntsville Parkway Place Properties, Inc.
507-A Drake Avenue SW
Huntsville, AL 35801

Re: Article 5 / Landscaping Letter of Credit for Magnolia Park Subdivision Phase 1 A Resubdivision
Of Lot 1 Magnolia Park As Recorded in Document No. 20060824000572480

Gentlemen:

We hereby amend our above referenced letter of credit as follows:

- expiry date extended to August 28, 2012

All other terms and conditions remain unchanged.

Sincerely,

RBC Bank (USA)

Glenda A. Martin
Authorized Signature

Chaine D. Niven
Authorized Signature

OK
CE/8
8/22/11

oa fca
8/22/11

MS
8/22/11
MW
8-22-11



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Toll-free: 1-800-938-6299

OK
CS/8
9/14/10



RBC Bank™

Issue Date: August 28, 2008

Expiry Date: August 28, 2010

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200 Providence Rd., 3rd Floor
Charlotte, NC 28207
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Fax: 704-686-1498
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Irrevocable Standby Letter of Credit Number SB004749

Beneficiary:

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PO Box 308
Huntsville, AL 35801

Applicant:

Huntsville Parkway Place Properties, Inc.
507-A Drake Avenue SW
Huntsville, AL 35801

Re: Article 5 / Landscaping Letter of Credit for Magnolia Park Subdivision Phase 1 A Resubdivision
Of Lot 1 Magnolia Park As Recorded in Document No. 20060824000572480

We hereby open our Irrevocable Standby Letter of Credit referenced above in your favor, as Beneficiary effective August 28, 2008, for the account of the above referenced Applicant up to the aggregate amount of \$65,000.00 (Sixty Five Thousand and 00/100 United States Dollars) available by payment of your draft(s) drawn at sight on us when accompanied by:

A signed statement by a representative of the City of Huntsville, Alabama reading: "This draw is being made pursuant to Article 5 of the Subdivision Regulations."

We hereby agree with you that all draft(s) drawn under and in compliance with the terms and conditions shall be duly honored by us when presented, along with the required documentation and the original of this letter of credit, at our office located at 200 Providence Road, Suite 300, Charlotte, NC 28207 OR 1470 Perimeter Parkway NW, Huntsville, AL 35806 on or before the above stated expiry date.

Draft(s) drawn hereunder must state on their face "drawn under RBC Bank (USA) letter of credit number SB004749".

This Letter of Credit is subject to/and governed by the laws of the State of Alabama and the International Standby Practices ("ISP98"), International Chamber of Commerce (Publication No. 590) and in the event of any conflict, the Laws of the State of Alabama will control.

Sincerely,

RBC Bank (USA)

Glenda A. Martin
Authorized Signature

2 OK 1/8/09
• RMA 1/8/09

OK
CEJ
1/9/09

KOB

Authorized Signature